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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/057,406	04/08/1998	HARALD WERENICZ	94-36-3-US-D	6379

7590

09/04/2002

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EXAMINER

AFTERGUT, JEFF H

ART UNIT

PAPER NUMBER

1733

55

DATE MAILED: 09/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/057,406

Applicant(s)

WERENICZ ET AL.

Examiner

Jeff H. Aftergut

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 August 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

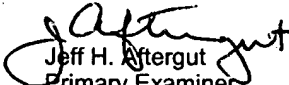
Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 2-12,33-36,38-42,44 and 46-56.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 53.
10. ☒ Other: See Continuation Sheet

  
Jeff H. Aftergut  
Primary Examiner  
Art Unit: 1733

Continuation of 5. does NOT place the application in condition for allowance because: As established in the Final rejection, one would have reasonably expected that the non-contact coating techniques of Boger would have been useful in the conformal coating operation. I should be noted that Sanftleben suggested the same coating composition. Additionally, as pointed out in the Final rejection, the use of the handheld cartridge applicator. This type of applicator is a hand held glue gun. The reference to Sanftleben suggested that minimal stringing occurred (suggesting that non-contact coating will indeed work). Additionally the passage clearly suggested non-contact coating. One would have understood that non-contact coating of the composition of Sanftleben would have operated successfully. These comments are made only as a supplement to those previously made in the Final rejection. Additionally, regarding the rejection based upon the European reference, the applicant is advised that the reference to EP suggested the use of ATP and that the reference to Maletsky suggested such a composition useful as a coating in the same environment as EP. Additionally, the reference to Maletsky suggested the same composition as employed by applicant (see the specification and the examples of Maletsky) and thus one would have understood that the same composition would intrinsically have the same properties as that defined in the claim. Regarding Smith, one would have understood that the surface nozzle of EP as well as the extruded compositions of Maletsky were suitable for extrusion for application upon a substrate. Smith further emphasized that a slit die technique would have been known as useful in the coating of the substrate. Additionally, Buell clearly suggested that contact coating would have yielded a discontinuous thin film and thus one would have expected that the coating in EP would have been non-contact coating (because formation of a discontinuous film in EP was not desirable). Again for a complete discussion of the rejection applicant is referred to the Final rejection.

Continuation of 10. Other: Note the copy of the 1449 which crossed with the final rejection. The references cited earlier have been considered. Receipt of the interview summary is noted.